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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JAN 18 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) MM Docket No. 93-286
)
Amendment of Section 73.202(b),) RM-8377
Table of Allotments,)
FM Broadcast Stations.)
(Jeffersontown, Shelbyville and)
Richmond, Kentucky))

TO: Victoria M. McCauley, Assistant Chief, Allocations Branch
Policy and Rules Division, Mass Media Bureau

JOINT COMMENTS OF CHANNEL CHEK, INC.,
WCBR RADIO, INC. AND SHELBY COUNTY BROADCASTING, INC.

1. Channel Chek, Inc. ("Channel Chek"), WCBR Radio, Inc. ("WCBR") and Shelby County Broadcasting, Inc. ("SCBI") (all three of whom are referred to herein collectively as "the Petitioners") hereby submit their comments in response to the Notice of Proposed Rule Making ("NPRM"), DA 93-1310, released November 26, 1993 in the above-captioned proceeding.

2. This proceeding was initiated at the joint request of the Petitioners. Channel Chek and SCBI hereby specifically reaffirm their present intention, first stated in their "Joint Petition for Rule Making and Request for Modification of Licenses", to apply for the modified facilities proposed in the petition and to construct and operate the modified facilities promptly upon grant.

3. For its part, WCBR calls the Commission's attention to the fact that, by a "Notice of Withdrawal" filed with the Commission on November 19, 1993 (i.e., after adoption of the NPRM, but before its release), WCBR withdrew from the proposed

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rule making so that it could pursue its originally-proposed upgrade (i.e., modifying the operating channel of WCBR's Station WMCQ(FM), Richmond, Kentucky, from Channel 269A to Channel 268C3) through the Commission's recently adopted "one-step" application process. Simultaneously therewith WCBR filed an application (FCC Form 301) seeking such a modification. WCBR intends to prosecute that application and to construct and operate the modified facilities promptly upon grant. In light of WCBR's withdrawal herefrom and its submission of a "one-step" application, the particular proposal set forth in the NPRM for substitution of Channel 268C3 for Channel 269A at Richmond, Kentucky may (and should) be deleted from the instant proceeding.

4. As WCBR has previously advised the Commission in its Notice of Withdrawal, the withdrawal of WCBR does not adversely affect the other aspects of the proposal herein, i.e., the proposed modifications of the channel assignments in Jeffersontown and Shelbyville, Kentucky. ^{1/} Both of those proposed modifications -- which involve the "swap" of Channel 269A, currently allotted to Jeffersontown, with Channel 267A, currently allotted to Shelbyville -- can still be accomplished irrespective of the withdrawal of the Richmond component of the original proposal. Thus, WCBR's withdrawal should not adversely affect prompt favorable action on the remaining proposals in this proceeding (i.e., the substitution of

^{1/} Channel Chek, Inc. is the licensee of Station WLSY-FM, Jeffersontown, Kentucky. SCB is the licensee of Station WTHQ(FM), Shelbyville, Kentucky.

Channel 267A for Channel 269A in Jeffersontown, and the corresponding substitution of Channel 269A for Channel 267A in Shelbyville).

5. As set out in the Joint Petition, those latter two modifications will permit both affected stations to effectively double their current power. Such improvements would clearly be in the public interest as they would increase the efficient utilization of spectrum space and allow the affected licensees to provide better service to their respective service areas.

Accordingly, the Joint Petitioners continue to support the modifications proposed in the NPRM with the specific understanding that the substitution of Channel 268C3 for Channel 269A at Richmond, Kentucky, which is proposed in the NPRM, should be accomplished through action on WCBR's pending "one-step" application, rather than through the instant rule making proceeding, and that that particular substitution may therefore be deleted from the instant proceeding.

Respectfully submitted,


/s/ Harry F. Cole
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